

12.270 IMPOUNDING, MOVING, AND RELEASE OF VEHICLES

References:

Procedure 12.205 - Traffic Enforcement
Procedure 12.215 - Cincinnati Parking Infraction (CPI)
Procedure 12.255 - Delinquent Vehicles:
Impounding/Processing Delinquent Tags
Procedure 12.265 - Wrecker and Towing
Procedure 12.275 - Removal of Abandoned Junk Motor Vehicles (Public or Private Property) and Overtime Parked Vehicles
Procedure 12.420 - Reporting Vehicle Thefts and Related Offenses
Cincinnati Municipal Code Chapter 513 - Impoundment of Motor Vehicles
Standards Manual 61.4.2, 61.4.3

Information:

The Impound Unit, located at 3425 Spring Grove Avenue, is open 0630 to 2230 hours seven days a week.

Purpose:

Determine when vehicles may or may not be impounded and/or released.

Establish accountability for safeguarding property contained in impounded vehicles.

Procedure:

- A. Impoundment of Vehicles During Impound Unit Closing Hours:
 - 1. Using a supervisor approved move only, tag and move to non-hazardous locations any vehicle parked in violation and creating a hazard.
 - 2. Do not tow vehicles on the delinquent list during Impound Unit closing hours.
 - a. If the vehicle is occupied, drive it to the district and hold it while the owner pays the citation(s) or posts the required bond for delinquent tags.

- b. If parked, tag the vehicle for any current violation. Make appropriate blotter entry of vehicle location for follow up.
- 3. Do not tow vehicles bearing tags expired more than 30 days during Impound Unit closing hours.
- 4. Tow vehicle recoveries to a designated private storage facility, initiating a Signal 38, if it is not possible to release to the owner at the scene.
- 5. Provide the district desk person with a completed Towing Report (Form 369) whenever a vehicle is held at a district. Make an appropriate blotter entry for first shift follow up.

B. Impoundment Guidelines:

- 1. For recovered stolen vehicles, complete an Ohio Uniform Incident Report and Form 369.
 - a. Process all copies of the Ohio Uniform Incident Report and forward the original to Records Unit.
 - b. Fax Form 369 to Impound Unit, Fax Line 352-3998, as soon as possible.
 - 1) Mail the original white copy of Form 369 to Impound Unit using inter-departmental mail.
 - 2) The pink copy of Form 369 is retained at the district.
 - 3) Give the yellow copy of Form 369 to the wrecker driver.
- 2. For all other tows, the original Form 369 will accompany the vehicle to the Impound Unit.
- 3. A police officer may impound any motor vehicle which is:
 - a. Stolen.
 - b. Parked in violation of the law.
 - c. Involved in an auto accident.

- d. Declared delinquent because of two or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Hamilton County Municipal Court pursuant to Cincinnati Municipal Code (CMC) Section 515-7.
 - e. Not displaying license plates.
 - f. Blocking ingress or egress to a street, alley, roadway, driveway, parking facility, or loading facility.
 - g. In the possession of a physically arrested person.
 - h. Driven by a person under the influence of alcohol, drugs, or a combination thereof.
 - i. Under the control of a person who requests impound for safekeeping.
 - j. Held for evidence or investigation with approval of the supervisor.
4. Do not impound the motor vehicle of a physically arrested person or a first offender DUI arrest if:
- a. The owner/driver allows the officer to safely and legally park the vehicle.
 - 1) The officer will inform the driver that the vehicle and property contained in it is the driver's responsibility. Note same on the Arrest and Investigation Report (Form 527).
 - b. The vehicle is not needed for evidence.
 - c. The driver arranges for someone to take custody of his vehicle.
5. Do not leave vehicles on expressways.
6. The owner of any vehicle impounded under CMC Section 513-1, Impoundment of Motor Vehicles, must be notified personally or by regular mail sent to the last known address of the registered owner.

- a. The impounding officer will try to notify the vehicle owner in person or by phone and note same on the Form 369. If the officer is unable to make the notify, he will record any relative information that would help Impound Unit personnel make the notify.
 - 1) After towing to the lot, Impound Unit personnel will be responsible for notifying the owner.
 - b. The notification will include the:
 - 1) Reason for impounding and the location where the vehicle was towed.
 - 2) Procedure for obtaining release of the vehicle.
 - 3) Basic charges for impound and storage according to current posted rates.
 - 7. Owners are responsible for towing charges on all tows to the Impound Unit. Impound Unit personnel can release, without charge, vehicles legitimately disabled and impounded to help the flow of traffic.
 - 8. Failure to obtain release of the motor vehicle within 20 days of impound may cause it to be salvaged or sold at auction.
 - 9. The towing officer will inventory the vehicle and the contents of any vehicle taken to the district (see Procedure 12.265). Do this even though someone may be responding to pick up the vehicle.
- C. Impounding Vehicles:
- 1. The driver/owner is arrested and the vehicle has to be impounded:
 - a. A supervisor must approve the impound.
 - b. Tow or drive the vehicle directly to the Impound Unit during their normal operating hours using the Form 369.
 - c. If the vehicle is towed/driven to the district, notify the Impound Unit to remove it by wrecker on the next weekday.

2. Driving under the influence (DUI) and driving while under suspension (DUS).
 - a. Tow a vehicle, for pretrial seizure, when a person arrested for DUI is the registered owner (LEADS verification) of the vehicle and has a previous conviction of DUI in the past five years.
 - b. Tow a vehicle, for pretrial seizure, when a person arrested for DUS is the registered owner (LEADS verification) of the vehicle and is under suspension, which LEADS designates with the following two-letter codes:
 - 1) SR - Failure to file state crash report
 - 2) NC - Non compliance
 - 3) SS - Security suspensions
 - 4) SJ - Judgment suspensions
 - 5) SC - Only as the result of a court suspension based on a DUI arrest
 - c. Tow vehicles subject to forfeiture when any of the following apply to the operator:
 - 1) Operating a vehicle which has been ordered immobilized
 - 2) Arrest for DUI with three previous convictions within five years
 - 3) Arrest for wrongful entrustment with one previous conviction (no time limit)
 - 4) Arrest for FRA suspension with two previous convictions within five years
 - 5) Arrest for DUI suspension with two previous convictions within five years
 - d. Complete Form BMV-2255 (ALS) and Form 369.

- e. Inform Police Communications Section (PCS) whether the vehicle is being towed for pretrial seizure or subject to forfeiture.
 - 1) Towing companies will tow vehicles held for pretrial seizure and those subject to forfeiture to the Impound Unit.
- 3. Vehicles ordered immobilized by the courts which are not already impounded.
 - a. Central Records Section will distribute all Court Issued Immobilization Notices (BMV-2270) to the Patrol Bureau for action.
 - 1) Districts will make reasonable attempts to locate vehicles and have them impounded.
 - 2) If the vehicle is found, initiate a Signal 38 and advise PCS the vehicle is a court ordered immobilization. These tows go to private lots.
 - a) Complete Form 369.
 - b. Patrol Bureau will return the BMV-2270 to the Central Records Section along with the disposition.
- 4. Stolen/recovered vehicles:
 - a. Every effort should be made to release auto recoveries to owners at the scene of recovery.
 - b. If the owner cannot be notified or refuses to claim the vehicle at the scene, the vehicle will be towed by a private wrecker designated for auto recoveries.
 - 1) A Signal 38 will be given to PCS for a wrecker request.
 - 2) A private wrecker will be dispatched.
 - 3) Form 369 and an Ohio Uniform Incident Report will be completed by recovering officer.

- a) Fax Form 369 to Impound Unit, Fax Line 352-3998, as soon as possible.
 - 1] The original white copy of Form 369 will be mailed to Impound Unit using interdepartmental mail.
 - 2] The yellow copy of Form 369 will be given to the wrecker driver.
 - 3] The pink copy of Form 369 will be retained at the district.
 - b) All copies of the Ohio Uniform Incident Report will be turned in at the district for processing.
 - c. If the vehicle is not held as evidence, follow Procedure 12.420.
 - d. Investigations concerning recoveries will be done at the private storage facilities within 24 hours of recovery.
 - 1) Location of the vehicle can be obtained from the Form 369 or PCS.
 - e. All fees for towing and storage will be charged by the private towing company.
5. Held for evidence/investigation:
- a. A supervisor must approve the impound.
 - b. Tow or drive the vehicle directly to the Impound Unit during their normal working hours using the Form 369.
 - c. If the vehicle is towed/driven to the district, notify the Impound Unit to remove it by wrecker on the next weekday.
 - d. If a coroner's case, the vehicle may be towed to the Coroner's Office, with supervisory approval. Other options include towing or driving to the district for processing and release, or towing to the Impound Unit by first shift.

- e. Take vehicles held by specialized units (e.g., Vice, CIS) to the district with the approval of the district shift officer in charge (OIC). Specialized units will keep responsibility for disposition of the vehicle.
6. Vehicle held on request of other authorities:
- a. If possible, contact the requesting authority.
 - b. If they can respond immediately, release the vehicle to them.
 - 1) Obtain a signed Receipt for Property (Form 330) for the vehicle.
 - c. If the requesting authority cannot respond immediately and the vehicle is:
 - 1) Drivable, take it to the district and have the requesting authority respond to the district.
 - 2) Not drivable, tow it to the Impound Unit. Include all pertinent information on the Form 369.
7. Vehicle unlawfully parked on a street and interfering with pedestrian or vehicular traffic:
- a. Have the owner/driver move the vehicle immediately.
 - b. If the owner/driver is not immediately available, cite for the proper violation and tow it to the Impound Unit.
 - 1) When the Impound Unit is closed, the supervisor may approve a move only. Issue a citation and tow to a non-hazardous location.
8. Vehicles parked on private or public property without consent of the owner:
- a. For vehicles parked on private property, or public property under the control of another non-City government agency (e.g., Board of Education, Metropolitan Housing Authority), use the following procedure:

- 1) If the vehicle is obstructing driveways, loading docks, fire lanes, ingress, or egress, the officer will try to locate the owner and have the vehicle moved immediately. If unable to locate the owner, the officer will impound the vehicle. The officer will include on the Form 369 a brief investigative summary and the property owner's name who requested the vehicle removal.
 - a) If applicable, issue a citation for the proper violation.
- 2) If the vehicle is occupying a parking space or appears to be abandoned but not blocking ingress, egress, loading dock, etc., the officer will run a computer check to see if it's stolen, wanted, etc. The officer will tow only if there is a computer hit.
 - a) Do not tow delinquent vehicles from private property.
- 3) For vehicles on property, other than City property, and not stolen or wanted, the officer should try to find the vehicle owner to move the vehicle. If the officer will advise the property owner of the towing provisions under Ohio Revised Code (ORC) Sections 4511.681 and 4513.60. If the property owner follows these guidelines, he may have the vehicle towed at the vehicle owner's expense.
 - a) For abandoned junk vehicles on private property, refer to Procedure 12.275.
- b. For property owned or controlled by the City, including the Park Board, Recreation Department, etc., use the following procedure:
 - 1) If the vehicle is obstructing driveways, loading docks, fire lanes, or other ingress or egress, follow Section C.7. of this procedure.

- 2) If the vehicle is stolen, otherwise wanted, or in violation of the law, impound it per existing procedure.
 - c. For unlicensed/inoperable vehicles on private property, refer to Procedure 12.275.
 9. Follow Procedure 12.275 for abandoned or junk vehicles.
 10. Follow Procedure 12.255 for delinquent vehicles.
 11. Vehicles wanted for hit-skip:
 - a. If an individual is cited or physically arrested for hit-skip, impound the vehicle only if needed for follow-up investigation with the approval of a supervisor.
 - b. Impound the vehicle if needed as evidence with the approval of a supervisor.
 - 1) If the driver is physically arrested, follow Section C.1. of this procedure.
 - c. Complete a Form 369. Forward the original to the Impound Unit, second copy to the district collator, and a photo copy to the Hit Skip Squad.
 12. Expired license plates:
 - a. Ohio registration:
 - 1) Within 30 days following the expiration date, issue a citation for CMC Section 503-52.
 - 2) If the plate is expired more than 30 days, the vehicle may be impounded. A citation is sufficient if registration information is verified and the owner notified.
 - b. Non-Ohio registration:
 - 1) Issue a citation for CMC Section 503-52 and impound the vehicle.

13. No license plates:

- a. If unattended, impound the vehicle, but do not issue a citation.
- b. If attended, impound vehicle and issue a Cincinnati Parking Infraction (CPI) citation to the owner/driver. Include the name, address, social security number, and date-of-birth for warrant data entry.
- c. Include the Vehicle Identification Number (VIN) on the citation to identify the vehicle.

14. Unroadworthy vehicles:

- a. Officers will issue an Ohio Uniform Traffic Tag (OUTT) using CMC Section 503-29.
 - 1) Have the vehicle towed to the Impound Unit. Do not drive or allow the vehicle to be driven.
 - 2) The Impound Unit supervisor will have the vehicle towed from the Impound Unit to the Municipal Garage for inspection by a garage mechanic.
 - a) The mechanic will record his findings on a Form 17, noting his name, unit, and telephone line number. Unroadworthy Forms 17 are kept in a separate file at the Impound Unit. A copy of this Form 17 is also sent to the impounding officer by the Impound Unit for use in court cases.
 - b) If the inspection determines the vehicle is unroadworthy, the additional towing charge and the inspection fee charged to the Division by the Municipal Garage will be passed on to the owner of the unroadworthy vehicle.
 - 3) After inspection by a garage mechanic, the vehicle is towed back to the Impound Unit.

- b. When officers are notified to respond to court about an unroadworthy vehicle charge (not guilty plea), they will contact the Impound Unit supervisor. He will notify the mechanic to appear in court to testify about the condition of the subject vehicle.
- 15. Parked vehicle involved in a vehicular crash:
 - a. If legally parked, do not tow.
 - b. If parked in violation or interfering with traffic, and the owner is not located, tow the vehicle to the Impound Unit as held for owner.
- 16. Follow Procedure 12.215 for street cleaning or paving violations.
- D. Move Only:
 - 1. Use a move only as a last resort unless an emergency situation requires immediate action. Costs for moves only are charged against the police budget.
 - a. Cite vehicles when violations are present.
 - 2. Complete a Form 369. Be specific, complete each appropriate space.
 - a. Remain at the scene to direct the wrecker driver.
 - b. Give the original Form 369 to the wrecker driver.
 - c. The officer's immediate supervisor will review, sign, and forward the copy to the Impound Unit without delay.
 - d. Note on the Form 369 if the vehicle was cited for a traffic violation.
- E. Vehicles Mechanically Disabled:
 - 1. The vehicle owner/driver is responsible for securing a wrecker for a mechanically disabled vehicle not involved in an auto accident. Instruct the owner/driver to secure a licensed wrecker of his choice.

- a. If the position of the vehicle creates a danger to motorists or pedestrians and a phone is not readily available, at the owner's/driver's request, the officer may request PCS to dispatch the next wrecker scheduled for a run on their rotation list.
 - 1) Inform the owner/driver that responsibility for wrecker payment is his.
 - 2) Inform the wrecker operator to charge the owner/driver and not to bill the City.

F. Property Contained in Vehicles:

1. Process as required in Procedure 12.265.

G. Damage on Vehicles:

1. List as required in Procedure 12.265.

H. Releasing Vehicles:

1. At scene:

- a. Release vehicles not needed for evidence or by other authorities to the person with right of possession if he arrives at the scene before the wrecker driver has left the curb and entered a moving lane of traffic.
 - 1) Issue a citation for existing violations.
 - 2) Advise PCS to put the wrecker driver back on top of the rotation list.

2. From Impound Unit:

- a. An owner wishing to claim an impounded vehicle must present his Certificate of Title and/or License Registration and proper identification at the Impound Unit.
- b. Inform owners impound and storage fees do not include payment for any traffic citations. Traffic citations attached to the vehicle will be processed by the vehicle's owner in the regular manner.

- c. The Impound Unit will obtain the total impound and storage fees from the vehicle owner/driver.
 - 1) Additional charges may be levied if a person fails to claim the vehicle within 24 hours, after having been personally contacted or notified by regular mail.
 - 2) Extra costs for any service necessary to impound or properly maintain the vehicle will also be added to the impound and storage fees.
 - 3) The Impound Unit accepts cash, Visa or MasterCard for payment of impound fees. No checks are accepted.
 - a) Only the person whose name appears on the credit card may use it.
- d. Inform owners with vehicles on the delinquent list that all delinquent tags must be paid or registered for court. They must present proof of such action in the form of receipts or register cards at the Impound Unit before the vehicle will be released.
- e. Releasing vehicles during Impound Unit closing hours:
 - 1) Generally, vehicles are not released from the Impound Unit when closed. In unusual circumstances, the night chief, or in his absence the shift OIC of the involved district, may authorize recall of an Impound Unit officer to release a vehicle. PCS maintains a recall list. Examples of unusual circumstances include: a vehicle impounded through error which would reflect adversely on the public image of the Division, extreme hardships such as an out-of-town family with young or ill members, etc. Supervisors ordering such recalls should bear in mind the expense incurred from a four hour recall.

- 2) Vehicles driven or towed to the district may be released without charge at the district upon authorization of the night chief, or in his absence, the shift OIC. Send a copy of the completed Form 369 to the Impound Unit.
- 3) A Form 17 should be made by the requesting unit supervisor showing unusual circumstances and/or reason for request.

f. Removal from district lot:

- 1) Vehicles impounded at the district during Impound Unit closing hours will be ordered towed to the Impound Unit after 0700 hours by notifying the Impound Unit OIC. He will dispatch the contract wrecker or a Signal 38. If release is imminent, or a given period has been permitted for the owner to claim the vehicle from the district without towing fee, towing may be deferred.
- 2) If a vehicle is towed to a district and again to the Impound Unit, the additional towing charge is not passed on to the owner. The owner will pay only the normal fee.
- 3) Time for calculating storage fees begins when the vehicle is actually impounded at the Impound Unit.

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